

# **Exhibit 2**

## **(redacted)**

UNITED STATES DEPARTMENT OF JUSTICE  
ANTITRUST DIVISION, WASHINGTON, D.C.

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PURSUANT TO CIVIL INVESTIGATION DEMAND NO. 30762

HIGHLY CONFIDENTIAL

REMOTE VIDEOTAPED DEPOSITION OF [REDACTED]

THURSDAY, OCTOBER 28, 2021

STENOGRAPHICALLY REPORTED BY:

ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR

CSR LICENSE NO. 9830

JOB NO. 2021-816725

Page 237

[REDACTED]

Page 239

[REDACTED]

Page 238

[REDACTED]

Page 240

[REDACTED]

██████████, not to respond to that question to the extent it requires you to reveal attorney-client privileged information.

MR. NAKAMURA: Q. [REDACTED], what are the names of the global regulatory inquiries that Project Sunday sought to address?

**A I'm unable to answer that. I'll -- I'm following Mr. Mahr's instruction in this case.**

MR. NAKAMURA: Mr. Mahr, are you taking the position that the names of these specific regulatory inquiries are privileged information for which [REDACTED] has a right to refuse to answer my question?

MR. MAHR: We are.

And I'll say, as I have said before, we are working with the Department of Justice to get you information on these topics that are not confidential, but we're not going to do that on the fly in a deposition.

MR. NAKAMURA: Q. Who at Google provided you with legal advice regarding Project Sunday, [REDACTED]?

MR. MAHR: Again, you can provide the name of the lawyers, to the extent you recall.

**THE WITNESS:** Kent Walker is the one whose

**THE WITNESS:** Okay. With that instruction, it was a discussion. We had an early discussion of what we would -- how we would proceed with our display advertising business in the light of an evolving regulatory and privacy landscape.

MR. NAKAMURA: Q. And [REDACTED] to be clear, do you have other knowledge regarding what Project Sunday is that you are refusing to provide me based on the instruction of Mr. Mahr?

A There is a little bit more detail I can recall, but that is discussion I've had with Kent Walker.

MR. MAHR: So I'll instruct you -- for purposes of the record, I will instruct you formally, [REDACTED] not to disclose any -- any communications you had with Mr. Walker or any other counsel concerning these subjects.

MR. NAKAMURA: Q. And to complete the record, are you going to follow Mr. Mahr's instruction?

**A I do plan to follow Mr. Mahr's instruction.**

Q Thank you.

And what specific global regulatory inquiries did Project Sunday seek to address?

MR. MAHR: I will offer the same instruction.

**name I really recall.**

MR. NAKAMURA: Q. And did anyone -- any attorneys at any outside law firm provide you with legal advice regarding Project Sunday?

**A I don't recall engaging with any outside attorney on this matter.**

Q Were you one of the Google employees who initiated Project Sunday?

**A** It's a small group of us that -- including Kent Walker that said we should look at this question.

Q Did [REDACTED] also initiate Project Sunday?

A I'm unable to tell you, you know, who exactly initiated it. But I had discussions with Kent for sure and a couple of other employees. It's -- it's not like many people are involved, so I don't know what to make of initiating versus not.

Q And were you one of the key decision makers on Project Sunday?

A To my knowledge, there was no decision made. So -- so I wouldn't call myself or anybody a decision maker.

Q When you initiated the project, if there were to have been a decision, would you have been one of the individuals who would have made a decision as to

Page 245

any recommendation stemming from Project Sunday?

**A I would have been.**

Q And who else would have been?

**A It would be Kent to -- to look at it from a legal aspect, and [REDACTED] and likely Philipp Schindler as well.**

Q What about Don Harrison?

**A I don't recall if he was involved. [REDACTED] reports to Philipp. So I -- I would look to Philipp as -- as one of the key players.**

Q Did you ever discuss Project Sunday with Mr. Schindler?

**A If we haven't -- yeah, I don't recall. But if we discussed it -- if we haven't discussed it, then at some point we would have to.**

Q Is Project Sunday still an ongoing project?

**A To my knowledge, we never terminated it or arrived at a definitive outcome. So in that sense, it's open. But it's not like it's -- it's something we're working on every day. It's open-ended at this point.**

Q And when was the last meeting you had that you can recall regarding Project Sunday?

**A I'm having to guess here, but it would be over a year ago. That's just a guess.**

Page 246

Q Okay. How many meetings, roughly, did you attend regarding Project Sunday?

**A A couple.**

Q And by "a couple," is that more than five? Less than five?

**A Less than five is my recollection.**

Q Okay. And when did you come to understand that your work on Project Sunday was in response to global regulatory inquiries?

**A Early on in discussions with Kent Walker.**

Q Approximately when did you have those early discussions with Mr. Walker?

**A Oh. As I said earlier, the rough time frame is between the beginning of 2019 and, you know, the middle -- the second half of 2020. But that's just my rough recollection, because beyond that, I don't recall.**

Q And what role did you have on Project Sunday other than -- well, I guess you said you were not a key decision maker, which is interesting.

But what -- how would you describe your role on Project Sunday?

MR. MAHR: Objection.

I'll instruct [REDACTED] not to respond to that question to the extent it requires him to reveal

Page 247

attorney-client privileged or attorney work product.

**THE WITNESS: Okay.**

MR. NAKAMURA: Q. [REDACTED], I'll ask again: How would you describe your role on Project Sunday?

**A One of a small group of senior people looking at various factors at a high level of global trends.**

Q And is there information that you are not providing to me or refusing to provide to me based on Mr. Mahr's instruction?

**A In regard to which specific question?**

**If you could clarify, I'll answer that.**

Q Do you have any additional knowledge regarding your description of the role you played on Project Sunday that you are refusing to provide to me based on Mr. Mahr's instruction?

**A Not really.**

Q Well, let me just try it this way then: What factors did you look at when determining how to proceed with Project Sunday?

MR. MAHR: Objection.

I'll instruct the witness not to respond on the grounds of privilege and work product protection.

MR. NAKAMURA: Q. And are you going to follow Mr. Mahr's instruction?

Page 248

**A I am.**

Q And did you understand the connection to global regulatory inquiries to Project Sunday -- I'm sorry. Strike that.

Did you understand there to be a connection between global regulatory inquiries and Project Sunday when you initiated the project?

MR. MAHR: Objection; asked and answered.

But you may answer if you're able.

**THE WITNESS: Did I understand -- sorry. If you could repeat that.**

MR. NAKAMURA: Sure.

Q Did you understand that Project Sunday was a response to global regulatory inquiries at the time you initiated the project?

**A The way I'd describe it, my best description is, looking across a spectrum of the global environment ranging from privacy concerns to regulations, how should we think about the future for our business? That was really the -- the broad question we were addressing.**

**It -- it was later that, you know, we got to learn about specific regulations. So my point is it's not like I understood a lot of regulations, and then decided to do anything here.**

Page 249

Q Okay. Who was the day-to-day Google employee in charge of Project Sunday?

A [REDACTED] was involved. I'm trying to recall whether [REDACTED] was involved. Kent Walker and, I believe, Ted Lazarus were also involved.

Q As part of your work on Project Sunday, did you ever see any material prepared by the investment banking firm Lazard, L-A-Z-A-R-D?

A I don't recall seeing that.

Q Okay. And I want to just confirm these things for the record.

Did Google consider any divestitures as part of Project Sunday?

MR. MAHR: Same objection not to answer on the grounds of attorney-client privilege and attorney work product.

MR. NAKAMURA: Q. Will you follow that instruction, [REDACTED]?

A I will.

Q Did Google consider any acquisitions as part of Project Sunday?

MR. MAHR: Same object- -- same instruction. Objection and same instruction. Sorry.

MR. NAKAMURA: Thank you.

Q Will you follow that instruction,

Page 251

[REDACTED]

Page 250

[REDACTED]

Page 252

[REDACTED]

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251:14            “Hey” should read “hey” (Transcription Error)  
253:5            “Here” should read “here” (Transcription Error)  
254:11           “Okay. Sunday is over.” should read “okay, Sunday is over.” (Transcription Error)

I have inspected and read my deposition and have listed all changes and corrections above, along with my reasons therefor.

Date: December 2, 2021

Signature:

A solid black rectangular box used to redact the signature of the deponent.